



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEPREF
#191Rg RM-307
for
refund
02-13-03

In re application of

Minoru FUJIMORI et al.

Serial No. 09/816,391

Filed March 26, 2001

ANAEROBIC BACTERIUM AS A DRUG
FOR CANCER GENE THERAPY

Attn: Accounting Division
Refund Branch

Attorney Docket No. 2001-0206A

Confirmation No. 7242

REQUEST FOR REFUND

Assistant Commissioner for Patents,
Washington, DC 20231

Sir:

Applicants' Attorney PTO Deposit Account No. 23-0975 was charged an amount of \$4.00 on October 11, 2002 and \$360.00 on October 16, 2002 for a total amount of \$364.00, in connection with additional claims fees. However, we believe these charges to be incorrect.

The \$360.00 charge appears to relate to 20 additional dependent claims which we believe were accounted for in the filing fee of \$710.00 when the application was first filed on March 26, 2001. In addition to the \$710.00 filing fee, an additional claims fee totaling \$270.00 were also paid for 15 additional claims. There were also a total of 7 independent claims, 3 of which were included in the filing fee, and 4 additional independent claims were paid totaling \$320.00.

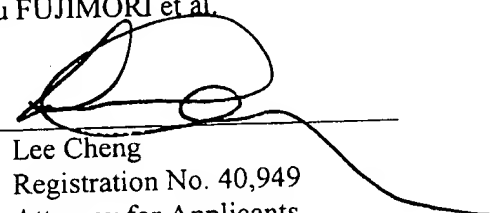
The \$4.00 charge appears to be the difference between the cost of independent claims filed on March 26, 2001 (\$80.00) and the cost of independent claims filed in our Amendment dated October 10, 2002 (\$84.00). Also, since 4 independent claims were paid for with the original filing of March 21, 2001, there was no additional independent claims that needed to be paid for with our October 10, 2002 Amendment. Thus, the \$4.00 charge appears to be improper.

Applicants' undersigned Attorney requests that the application be reviewed in light of the comments above. If the charges are incorrect, kindly credit the amount of \$364.00 to the deposit account of undersigned, Account No. 23-0975. If, on the other hand, the charges still appear to be valid, kindly provide a detailed explanation of the \$360.00 and \$4.00 charges.

Respectfully submitted,

Minoru FUJIMORI et al.

By


Lee Cheng
Registration No. 40,949
Attorney for Applicants

LC/gtg
WENDEROTH, LIND & PONACK, L.L.P.
2033 K Street, N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 15, 2002

2001-0206A